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8 ATTORNEYS FOR PLAINTIFFS,
9 KATHLEEN VENTIMIGLIA, individually, and as the Guardian
10 Ad Litem for STEPHEN VENTIMILIA and KELLIE VENTIMILIA
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 KATHLEEN VENTIMIGLIA, individually,
13 and as the Guardian Ad Litem for
14 STEPHEN VENTIMILIA and KELLIE
VENTIMILIA,

15 Plaintiffs,

16 v.

17 UNITED STATES OF AMERICA,
18 CHAMBLIN-LANDES CONSTRUCTION,
19 INC., a California corporation; WWD
20 CORPORATION, a California corporation;
21 DAVID FULLER, individually; JENNIFER
22 RUDOLPH, individually; LARRY
23 GABRIEL, individually; LARRY SPENCER
24 CONSTRUCTION; and DOES 6-50,
25 inclusive,
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27
28 Defendants.

No. 5:07-CV-5481 RS

**[PROPOSED] ORDER GRANTING
LEAVE TO FILE FIRST AMENDED
COMPLAINT**

Date: September 17, 2008
Time: 9:30 a.m.
Dept: Courtroom 4, 5th Floor
Judge: Magistrate Judge Richard
Seeborg

26 The motion of Plaintiffs KATHLEEN VENTIMIGLIA, individually, and as the
27 Guardian Ad Litem for STEPHEN VENTIMILIA and KELLIE VENTIMILIA (Plaintiffs) for
28 an order granting leave to file a first amended complaint was heard by this Court on

1 September 17, 2008 at 9:30 a.m., in Court 4 of the above entitled Court, the Honorable
2 Magistrate Judge Richard Seeborg, presiding.

3 The Court, having reviewed all papers submitted in favor of, and in opposition to,
4 the requested order, and finding good cause appearing therefore, makes the following
5 orders:

6 IS HEREBY ORDERED THAT,

7 Plaintiffs' motion for leave to file a First Amended Complaint is GRANTED.

8 The proposed First Amended Complaint, attached to Plaintiffs' moving papers as
9 Exhibit "B," shall be deemed filed with the court as of the date of this order and shall
10 supersede all previous complaints and shall now serve as the operative complaint
11 herein.

12 IT IS SO ORDERED,

13
14 Dated: September ____ 2008

By:

Honorable Richard Seeborg
Magistrate Judge
United States District Court